IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Ladu Lal Vs. State of Rajasthan

S.B.CR.MISC. IIIRD BAIL APPL. NO.3075/2006

DATE OF ORDER :: July 21, 2006

PRESENT

HON'BLE MR.H.R.PANWAR,J.

Dr.S.S.Jodha, for the petitioner.

Mr.Ashok Upadhyaya, P.P.

BY THE COURT:

This is third bail application filed by the petitioner.

Heard learned counsel for the parties.

Learned counsel for the petitioner submits that the prosecution has already completed its evidence and the matter is at the stage of defence evidence. The petitioner has filed a list of witnesses sought to be produced in defence. Learned counsel has shown me the list, wherein as many as seven witnesses are sought to be produced by the petitioner in defence. Learned counsel submits that since May, 2006. none of the defence witnesses appeared and has been served.

The petitioner seeks bail so as to enable him to trace out the defence witnesses and produce them in court. This cannot be a reasonable ground to release the petitioner on bail. The process to summon the witness has been provided in the CrPC itself. List of witnesses has been filed by the petitioner and the trial court is required to summon the witnesses by ordinary process, if not, by a bailable warrant and even after execution of bailable warrant, the witnesses do not turn up, the coercive method by summoning the witnesses by a non-bailable warrant. Learned counsel submits that today is the date before the trial court. If the witnesses sought to be produced by the petitioner appear before the trial court, the trial court shall record the evidence of the witnesses utmost expeditiously. If the witnesses despite service of summons, fail to appear before the trial court, the trial court shall take steps to summon them by a bailable warrant and if need be by a non-bailable warrant.

The bail application filed by petitioner under section 439 Cr.P.C. is, therefore, dismissed.

[H.R.PANWAR],J.

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